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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,760	03/17/2000	Yasuhiro Okuno	1232-4618	3265

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Morgan & Finnegan LLP
345 Park Avenue
New York, NY 10154

EXAMINER

TILLERY, RASHAWN N

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/527,760

Applicant(s)

OKUNO, YASUHIRO

Examiner

Rashawn N Tillery

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,14,15,26 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,10-13,17-20,22-25,29-32 and 34-36 is/are rejected.
- 7) ☒ Claim(s) 4,9,16,21,28 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 2-3, 14-15 and 26-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

However, the examiner notes that Applicant's arguments are directed to the wrong section of the MPEP (803). Applicant's arguments are addressing a restriction requirement. The Office Action dated December 16, 2003 was drawn to an election requirement. MPEP 809.02(a).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 5, 7, 8, 10, 12, 13, 17, 19, 20, 22, 24, 25, 29, 31, 32, 34 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Abrams et al (US6625812).

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Regarding claims 1, 13 and 25, Abrams discloses an information control apparatus having control means for controlling an image sensing range of a camera, comprising:

storage means for storing a program for operating a predetermined action (Abrams stores programs which allow the user to access a live view of a remote physical location; see col. 5, lines 27-44);

acquisition means for acquiring information about a current image sensing range of the camera (Abrams acquires positional parameter data- pan, tilt and zoom- from a single camera or multiple cameras of a remote physical location; see col. 5, lines 1-26; also see col. 8, line 25 to col. 9, line 20); and

control means for activating the program stored in the storage means in accordance with the information acquired by the acquisition means (Abrams recreates a live view of a remote physical location in accordance with the acquired positional parameter data; see col. 10, lines 33-67).

Regarding claims 5, 17 and 29, Abrams discloses, in figure 7, the storage means stores a program for operating an action for display control of character information corresponding to a predetermined image sensing range of the camera (see col. 12, lines 30-47).

Regarding claims 7, 19 and 31, Abrams discloses the storage means stores a program for operating an action for transmitting electronic mail (see col. 11, line 36 to col. 12, line 29).

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Regarding claims 8, 20 and 32, Abrams discloses, in figure 7, an information control apparatus having display means for displaying an image sensed by a camera, comprising:

storage means for storing a program for operating an action for displaying a predetermined window together with an image displayed by the display means (see col. 12, lines 30-47);

acquisition means for acquiring information about a current image sensing range of the camera (Abrams acquires positional parameter data- pan, tilt and zoom- from a single camera or multiple cameras of a remote physical location; see col. 5, lines 1-26; also see col. 8, line 25 to col. 9, line 20); and

control means for activating the program stored in the storage means in accordance with the information acquired by the acquisition means, thereby executing display control of the predetermined window (Abrams recreates a live view of a remote physical location in accordance with the acquired positional parameter data; see col. 10, lines 33-67).

Regarding claims 10, 22 and 34, Abrams discloses, in figure 7, the storage means stores a program for operating an action for display control of a window for displaying character information corresponding to a predetermined image sensing range of the camera (see col. 12, lines 30-47).

Regarding claims 12, 24 and 36, Abrams discloses the storage means stores a program for operating an action for display control of a window for transmitting electronic mail (see col. 11, line 36 to col. 12, line 29).

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2. Claims 1, 6, 8, 11, 13, 18, 20, 23, 25, 30, 32 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurosawa et al (US6654060).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1, 13 and 25, Kurosawa discloses an information control apparatus having control means for controlling an image sensing range of a camera, comprising:

storage means for storing a program for operating a predetermined action (Kurosawa stores programs which allow the user to obtain status information of a device; see col. 15, lines 42-49);

acquisition means for acquiring information about a current image sensing range of the camera (Kurosawa acquires angle information- pan, tilt and zoom- of a device in the view of a camera; see col. 15, lines 1-27; also see figure 15); and

control means for activating the program stored in the storage means in accordance with the information acquired by the acquisition means (Kurosawa generates an image containing the device in the view of the camera along with the status information; see col. 15, lines 58-65; also see figure 14).

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Regarding claims 8, 20 and 32, Kurosawa discloses an information control apparatus having display means for displaying an image sensed by a camera, comprising:

storage means for storing a program for operating an action for displaying a predetermined window together with an image displayed by the display means (Kurosawa stores programs which allow the user to obtain status information of a device; see col. 15, lines 42-49);

acquisition means for acquiring information about a current image sensing range of the camera (Kurosawa acquires angle information- pan, tilt and zoom- of a device in the view of a camera; see col. 15, lines 1-27; also see figure 15); and

control means for activating the program stored in the storage means in accordance with the information acquired by the acquisition means, thereby executing display control of the predetermined window (Kurosawa generates an image containing the device in the view of the camera along with the status information; see col. 15, lines 58-65; also see figure 14).

Regarding claims 6, 18 and 30, Kurosawa discloses the storage means stores programs for operating an action for setting or operating a printer (see col. 18, lines 28-37).

Regarding claims 11, 23 and 35, Kurosawa discloses the storage means stores programs for operating an action for display control of a window for setting or operating a printer (see col. 18, lines 28-37).

Allowable Subject Matter

Claims 4, 9, 16, 21, 28 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 4, 16 and 28, the prior art does not teach or fairly suggest an information control apparatus for controlling an image sensing range of a camera comprising storage means, acquisition means and control means, wherein

the storage means stores programs for operating a plurality of different actions, and the control means performs control upon determining termination/continuation of operation of a program under activation in accordance with a type of action under activation when the acquisition means detects a change in the image sensing range of the camera in the presence of the program under activation.

Regarding claims 9, 21 and 33, the prior art does not teach or fairly suggest an information control apparatus having display means for displaying an image sensed by a camera comprising storage means, acquisition means and control means, wherein

the storage means stores programs for operating a plurality of different actions, and the control means performs control upon determining termination/continuation of display of a window in accordance with a type of action under activation when the acquisition means detects a change in the image sensing range of the camera in the presence of the program for which display control is being performed.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yonezawa et al teach communication apparatus for monitoring an image from a remote place. Namma et al teach a virtual WWW server which can obtain a plurality of predetermined HTML files and combine them with image data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600